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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Michael A. Apicella  
Serial No. : 09/077,572  
Filed : October 13, 1998  
Title : NON-TOXIC MUTANTS OF PATHOGENIC GRAM-NEGATIVE BACTERIA

Art Unit : 1645  
Examiner : S. Devi

**MAIL STOP PETITION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION FOR REVIVAL OF APPLICATION

Applicant hereby petitions that the above-referenced application be revived. The entire delay for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Enclosed is a check for \$1500.00 for the Petition fee. Please apply any additional charges or credits to Deposit Account number 50-3503. Please fee free to contact Applicant's attorney if she can assist in any way.

Respectfully submitted,

Date: 14 September 2005

Ann S. Viksnins  
Reg. No. 37,748

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Telephone: (952) 876-4091  
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## CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, PO. Box 1450, Alexandria, VA 22313-1450

09/20/2005 YPOLITE1 00000106 09077572

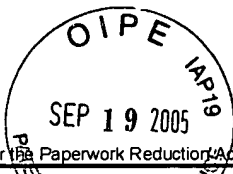
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September 14, 2005  
Date of Deposit

Lynda Mau  
Signature

Lynda Mau  
Typed or Printed Name of Person Signing Certificate



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PTO/SB/64 (07-05)  
Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

17023.002US\_/N5-50

First named inventor: Michael A. Apicella

Application No.: 09/077,572

Art Unit: 1645

Filed: October 13, 1998

Examiner: S. Devi

Title: NON-TOXIC MUTANTS OF PATHOGENIC GRAM-NEGATIVE BACTERIA

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

- ☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☒ Other than small entity - fee \$ 1500.00 (37 CFR 1.17(m))

**2. Reply and/or fee**

- A. The reply and/or fee to the above-noted Office action in the form of \_\_\_\_\_ (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

- B. The issue fee and publication fee (if applicable) of \$ 1400.00.

- ☒ has been paid previously on August 4, 2005.
- ☐ is enclosed herewith.

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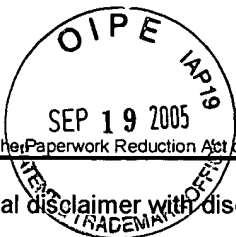
This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

<u>Ann S. Viksnins</u> Signature	<u>14 Sept 2005</u> Date
<u>Ann S. Viksnins</u> Typed or printed name	<u>37,748</u> Registration Number, if applicable
<u>P.O. Box 111098</u> Address	<u>952-876-4091</u> Telephone Number
<u>St. Paul, MN 55111-1098</u> Address	

- Enclosures: ☒ Fee Payment
- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unintentional delay
- ☒ Other: 3 sets of color drawing sheet 5/8, 1 set black & white drawings 4/8-8/8, Amendment<sup>+</sup>, check for \$130.00

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

September 14, 2005  
Date

Lynda Mae  
Signature

Lynda Mae  
Typed or printed name of person signing certificate